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Legal 5

18 JUL 1955

ATT : General Counsel
Legislative Counsel
Director of Logistics

Comments on Legislative Bill No. H.R. 6716

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1. It would appear that H.R. 6716 should be extremely beneficial in those cases involving individual liability of a Government employee.

2. Attention is invited, however, to the fact that the Office of Logistics enters into a great number of contracts with private firms and industrial organizations. The subject matter of many of these cases involves the preparation of manuals, instruction books, and other literature, and, therefore, requires the insertion of standard copyright clauses prescribed by the Armed Services Procurement Regulation. It would appear that H.R. 6716 would be an open invitation to contractors to disregard responsibility for avoiding infringement of the existing copyright laws since under H.R. 6716 the owner's remedy is by action against the United States.

3. In order for the proposed Bill to be consistent with existing legislation concerning patent infringement under Government contracts, it is suggested that:

a. Your Office review the contract clauses of the Armed Services Procurement Regulation (see section IX, ASPR, revised 4 January 1951) which now apply to patents only.

b. Determine whether or not the same principle of authorization and consent and indemnity can be applied to copyrighted materials if H.R. 6716 is passed into law.

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for JAMES A. GARRISON

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